

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES MORGAN,

Plaintiff,

v.

Case No. 2:17-cv-636  
Chief Judge Edmund A. Sargus, Jr.  
Magistrate Judge Elizabeth P. Deavers

42 U.S.C. § 654(3) OHIO  
DEPARTMENT OF JOBS AND  
FAMILY SERVICES, *et al.*,

Defendants.

**ORDER and REPORT AND RECOMMENDATION**

On November 16, 2017, Plaintiff filed a Motion to Amend the Original Complaint, seeking to remove as Defendants 42 U.S.C. § 654 Ohio Department of Family Services and 45 C.F.R. § 302.34 Contractors and leaving Athens County Child Support Enforcement Agency (“Athens County”) and Muskingum County CSEA / Customer Service as the sole remaining Defendants. (ECF No. 32.) Because no response has been filed, Plaintiff’s Motion to Amend (*id.*) is **GRANTED**. The Clerk is **DIRECTED** to file the Amended Complaint, which is attached to Plaintiff’s Motion. (*Id.*)

In light of the filing of the Amended Complaint, it is **RECOMMENDED** that the Motions to Dismiss the Original Complaint (ECF Nos. 12, 13, 17), Athens County’s Motion for Leave to File a Responsive Pleading to the Original Complaint (ECF No. 22), and Plaintiff’s

Motion for Default Judgment Against 45 CFR § 302.34 Contractors (ECF No. 31) be **DENIED AS MOOT.**<sup>1</sup>

### **PROCEDURE ON OBJECTIONS**

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal . . . .”) (citation omitted)).

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<sup>1</sup>Athens County also has filed a Motion to Dismiss the Amended Complaint, which remains pending. (ECF No. 34.)

**IT IS SO ORDERED.**

Date: December 11, 2017

/s/ *Elizabeth A. Preston Deavers*  
ELIZABETH A. PRESTON DEAVERS  
UNITED STATES MAGISTRATE JUDGE